

WORDEN THANE P. C.
ATTORNEYS AT LAW

EXHIBIT 7
DATE 3.24.11
HB 629

111 N. HIGGINS, SUITE 600
P.O. BOX 4747
MISSOULA, MONTANA 59806-4747
TELEPHONE: (406) 721-3400
FAX (406) 721-6985
www.wthlaw.net
wthlaw@wthlaw.net

DONOVAN WORDEN, SR., 1892-1967
DONOVAN WORDEN, JR., 1918-2001

JEREMY G. THANE
RONALD A. BENDER
PATRICK G. FRANK
MARTIN S. KING
PATRICK DOUGHERTY
W. CARL MENDENHALL
GAIL M. HAVILAND
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WILLIAM E. MCCARTHY
MATTHEW J. CUFFE
JANE E. COWLEY
COLLEEN M. DOWDALL
AMY M. SCOTT SMITH

March 24, 2011

Hand Delivered

Representative Gary MacLaren, Chair
House Local Government Committee
Montana House of Representatives
P.O. Box 200400
Helena, MT 59620-0400

RE: HB 629 – Lease or Rent Subdivision Review

Dear Representative MacLaren:

I am in favor of passage of HB 629. I served as deputy county attorney in Missoula County for thirteen years. In 1994, I interpreted this statute to allow review of subdivisions for lease or rent. Missoula County chose a very narrow area to review as subdivisions for lease or rent – residential dwellings – and formulated a review that an individual land owner could navigate, with little time or expense. We did this because residential subdivisions have a greater impact on health, human services, the environment, and public infrastructure than most any other kind of development. Review of the addition of a number of dwellings warrants review by local government. The draft Attorney General's opinion expanded interpretation of required local governments to review any additional structures on a parcel of land, regardless of their purpose. HB 629 goes a long way towards solving the problems that this interpretation presents.

My client, Steve Sann wants to build a youth camp. The planning office told him that lease or rent subdivision review was required and unlikely to be approved because the location has deer and elk. He subsequently learned that subdivision review can take up to two years at a cost between \$75,000 and \$125,000. The county attorney's office told me that the statute as written would allow a review of a youth camp, with each "bunk" constituting a unit, according to the draft AG's opinion. As written, HB 629 does not solve this problem.

One iteration of this bill draft exempted a youth camp as defined in Mont. Code Ann. § 50-52-102 from lease or rent subdivision review. A youth camp would still have review and licensing by the Department of Environmental Quality. Adding youth camp to the list of exemptions would allow youth camps to be constructed without subdivision review.

Subdivision lots are sold to individual owners. The developer eventually has no interest in the subdivision. That requires that public infrastructure be provided, that health and safety issues be addressed, and that access be guaranteed before the lots are sold. Determining the appropriate level of infrastructure will require analysis of

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traffic patterns for the ongoing, daily use of residences, including sidewalks and bike lanes. That is appropriate because once the developer is sold out, the subsequent purchasers will not be in a position to do make up for the inadequacies of the development.

In a lease or rent subdivision, all of the "divided structures" stay in the same ownership. When the property stays in one ownership, local government can return to that one owner if problems develop or rules are not complied with.

Not every development requires review for everything. Sometimes, government does not have to tell us what to do and still the public health and welfare is secured. The owner of a youth camp for instance would provide for fire protection to protect the children, the buildings, and his investment. Providing for safety concerns lessens the owners' liability. Providing a fire truck might be what is needed to convince an agent to issue a fire insurance policy on the property. Providing adequate access will provide a better camp attendance. This land owner knows this.

I urge the passage of HB 629 because we need guidelines on what may be reviewed as lease or rent subdivisions. I also urge the addition to the list of exemptions, youth camps as defined in Mont. Code Ann. § 50-52-102. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Colleen M. Dowdall".

Colleen M. Dowdall